# Function Constitution NC:

## Interps:

#### Ought is defined as function. ANSCOMBE:

Modern Moral Philosophy G. E. M. Anscombe Originally published in Philosophy 33, No. 124 (January 1958).

The terms "should" or **"ought"** or "needs" **relate[s] to good and bad: e.g. machinery needs oil, or** should or **ought to be oiled, in that running without oil is bad for it, or it runs badly without oil.** According to this conception, of course, "should" and **"ought" [is]** are **not used in a special "moral" sense** when one says that a man should not bilk. (In Aristotle's sense of the term "moral" ('O0KcS), they are being used in connection with a moral subject-matter: namely that of human passions and (non-technical) actions.) But they have now [it] acquired a special so-called "moral" sense-i.e. a sense in which they imply some absolute verdict (like one of guilty / not guilty on a man) on what is described in the "ought" sentences used in certain types of context: not merely the contexts that Aristotle would call "moral"-passions and actions-but also some of the contexts that he would call "intellectual.”

#### Thus ‘ought’ refers to the function of the particular object or agent. Prefer this definition,

#### 1. Accuracy: Anscombe’s article is devoted to understanding ‘ought,’ and she traces the historical roots of the word to see how it has been developed and what it actually means. She traces the origins of the word and how it has developed in philosophical literature. Accuracy of text precedes fairness and education because those are designed to determine which correct textual interpretation is the most fair or educational, making textuality a prerequisite. Accuracy is also key to predictability because the correct definition is the one most likely to be represented by authors.

#### 2. Ground: A) only this interp avoids strategies like a prioris and preclusive standards. This forces debaters into a 1:1 burden of deciding what is either consistent or inconsistent with an actors function. key to equalize access to the ballot, and B) this interp is best because it doesn't arbitrarily exclude any ground. All frameworks can be characterized as linking to the function of the actor. This means all offense to a counterinterp is at best non-unique because it can link to functionality.

#### 3. Real World: Function is more educational than moral philosophy and is key to real world since it allows us to talk about the function of the system, which is geared towards the institutions’ real world purpose as opposed to something, discussed in an ivory tower. Moral arguments assume that it is possible for states to give up certain ends that it cannot. Real world is key since it is the only impact relevant post-debate. And phill ed is bad – it has no real world impact and trades off with topic-specific education, LAWRENCE[[1]](#footnote-1)

The most obvious benefit of embracing AEC is that we get to avoid the same deontology vs. utilitarianism vs. contractualism debate that populates almost every LD round. To some, this may seem like a disadvantage rather than a benefit, but consider the following. **First, the ethics debate has been going on for several hundred years and has not** come even close to **be[en]**ing **resolved. To think that** the **discussion** that happens **in a** 45 minute **debate has any educational value on an issue that is so** deep, nuanced, and **irresolvable is delusional. Any education**to be derived **from this issue is best accessed by** just **reading articles.**To call the dilapidated ethical discussions that currently occur in most LD rounds “good debate” is a giant misnomer. **Second, the ethics debate trades off with** a discussion of **the resolution. Since debaters have** a **limited** window of **opportunity to debate the topic, we should prefer topic-specific discussions** over generic ethics. Squads should not be able to run the same argument(s) for five years on the negative in LD instead of making new arguments on each resolution. What is more, if debate is supposed to educate its participants to become better-informed citizens and critical thinkers

## Fwk:

#### Constitution is constitutive/the function of the U.S government:

#### 1. The specific obligation of the U.S. is to stay constant with the constitution. THE STATE DEPARTMENT:

The Constitution of the United States of America." *Almanac of Policy Issues*. June 2004. Web. <http://www.policyalmanac.org/government/archive/constitution.shtml>>

It **[The Constitution] establishes the form of the national government and defines the rights** and liberties **of the American people. It also lists the aims of the national government** and the methods of achieving them. Previously, the nation's leaders had established an alliance among the states under the Articles of Confederation. But the Congress created by the Articles lacked the authority to make the states work together to solve national problems. After the states won independence in the Revolutionary War (1775-1783), they faced all the problems of peacetime government. The states had to enforce law and order, collect taxes, pay a large public debt, and regulate trade among themselves. They also had to deal with Indian tribes and negotiate with other governments. Leading statesmen, such as George Washington and Alexander Hamilton, began to discuss the need to create a strong national government under a new constitution. Hamilton helped bring about a constitutional convention that met in Philadelphia, Pennsylvania, in 1787 to revise the Articles of Confederation. But a majority of the delegates at the convention decided instead to write a new plan of government -- the Constitution of the United States. **The Constitution established** not merely a league of states, but **a government that exercised its authority** directly over all citizens. The Constitution **[and] defines the powers delegated to the** national **government.** In addition, it protects the powers reserved to the states and the rights of every individual.

#### 2. The people in the government and citizens of the country change constantly, so for the U.S. to be anything at all, it must be constituted by its law. We can only conceptualize the US as an actor within the practice of Constitutionality, so this practice is the only source of its obligations. If it were obligated by some other norm to value something, then it wouldn’t be obligated as the U.S. to value it

#### Thus, the standard is consistency with the descriptive state of the US constitution.

## Offense:

#### Handgun bans are unconstitutional – violates the second amendment – supreme court rulings prove. SCALIA 08:

D.C. v Heller. Supreme Court Decision. Majority Opinion. <http://www.supremecourt.gov/opinions/07pdf/07-290.pdf>

We turn finally to the law at issue here. As we have said, the law totally bans handgun possession in the home. It also requires that any lawful firearm in the home be disassembled or bound by a trigger lock at all times, rendering it inoperable. As the quotations earlier in this opinion demonstrate, the inherent right of self-defense has been central to the Second Amendment right. The handgun ban amounts to a prohibition of an entire class of “arms” that is overwhelmingly chosen by American society for that lawful purpose. The prohibition extends, moreover, to the home, where the need for defense of self, family, and property is most acute. Under any of the standards of scrutiny that we have applied to enumerated constitutional rights,27 banning from the home “the most preferred firearm in the nation to ‘keep’ and use for protection of one’s home and family,” 478 F. 3d, at 400, would fail constitutional muster. Few laws in the history of our Nation have come close to the severe restriction of the District’s handgun ban. And some of those few have been struck down. In Nunn v. State, the Georgia Supreme Court struck down a prohibition on carrying pistols openly (even though it upheld a prohibition on carrying concealed weapons). See 1 Ga., at 251. In Andrews v. State, the Tennessee Supreme Court likewise held that a statute that forbade openly carrying a pistol “publicly or privately, without regard to time or place, or circumstances,” 50 Tenn., at 187, violated the state constitutional provision (which the court equated with the Second Amendment). That was so even though the statute did not restrict the carrying of long guns. Ibid. See also State v. Reid, 1 Ala. 612, 616–617 (1840) (“A statute which, under the pretence of regulating, amounts to a destruction of the right, or which requires arms to be so borne as to render them wholly useless for the purpose of defence, would be clearly unconstitutional”). It is no answer to say, as petitioners do, that it is permissible to ban the possession of handguns so long as the possession of other firearms (i.e., long guns) is allowed. It is enough to note, as we have observed, that the American people have considered the handgun to be the quintessential self-defense weapon. There are many reasons that a citizen may prefer a handgun for home defense: It is easier to store in a location that is readily accessible in an emergency; it cannot easily be redirected or wrestled away by an attacker; it is easier to use for those without the upperbody strength to lift and aim a long gun; it can be pointed at a burglar with one hand while the other hand dials the police. Whatever the reason, handguns are the most popular weapon chosen by Americans for self-defense in the home, and a complete prohibition of their use is invalid.

#### Independently, prohibitions on classes of persons and areas are constitutional. SCALIA 2.

D.C. v Heller. Supreme Court Decision. Majority Opinion. [http://www.supremecourt.gov/opinions/07pdf/07-290.pdf //](http://www.supremecourt.gov/opinions/07pdf/07-290.pdf%20//)

Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.26

#### Supreme court rulings outweigh –

#### 1. Justices have to be qualified to be appointed and then go through a Senate confirmation process, and there are only nine of them while there are many other judges and professors, so the Justices are the most qualified.

#### 2. Justices have clerks to help them with research, and they receive hundreds of amicus briefs in addition to the briefs presented by both sides, so they have the most information.

1. “Affirmative Ethics Choice,” Ryan Lawrence. Victory Briefs. March 12th, 2012. [↑](#footnote-ref-1)